

1                   UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

4                   UNITED STATES OF AMERICA,                 Case No. 1:05CR0182  
5                   Plaintiff,                                     Cleveland, Ohio  
6                   vs.   Monday, March 13, 2006  
7                   ABRAR U. HAQUE, et al.,                     10:20 a.m.  
8                   Defendants.

9                   TRANSCRIPT OF PROCEEDINGS  
10                  BEFORE THE HONORABLE DONALD C. NUGENT,  
11                  UNITED STATES DISTRICT JUDGE

12                  APPEARANCES:

13                  For the Government:                     James V. Moroney, Jr.  
14   Matthew B. Kall  
15   Assistants United States Attorney  
16   801 West Superior Avenue  
17   400 U.S. Court House  
18   Cleveland, Ohio 44113  
19   (216) 622-3600

20                  For the Defendants                     Thomas Paris  
21                  Abrar U. Haque:                             Debra Hughes  
22                  Nuzaira M. Haque:                         John S. Pyle  
23                  Mohammed Shahabuddin:                 James A. Jenkins  
24                  Akram Haque:                             Gary H. Levine  
25                  Abdur Rashid:                             Anthony J. Vegh  
   Steven L. Bradley  
   Marwan Mustafa:  
   John S. Pyle  
   Ameed Abuzahrieh:  
   Joseph B. Rose III  
   Ayman Abdelhady:  
   Hani Ottallah:  
   Joseph B. Rose III  
   Nesreen Assad:  
   Gary H. Levine  
   Nihad Doleh:  
   Thomas G. McNally  
   Mohammad Hammad:  
   Yamin Imran:   Michael J. O'Shea

26                  Official Court Reporter:                 Heidi Blueskye Geizer, RMR-CRR  
27   United States District Court  
28   801 West Superior Avenue  
29   7-178 U.S. Court House  
30   Cleveland, Ohio 44113  
31   (216) 357-7092

32                  Proceedings recorded by mechanical stenography, transcript  
33                  produced by computer-aided transcription.

1                   MORNING SESSION, MONDAY, MARCH 13, 2006 10:20 A.M.

2                   THE COURT: Okay. We are here in Case Number  
3 05CR182. It is titled the United States versus Mr. Haque,  
4 et al., and every defendant is present in Court. I don't  
10:19:16 5 think it's necessary that I go through each defendant's  
6 name, except what I'm going to do is read the speedy trial  
7 waiver and then ask counsel for each defendant to  
8 acknowledge what's transpired here.

9                   So all of the folks who are charged in this case know  
10:19:34 10 what's happened, we just met, I met with your lawyers, as  
11 you know. The government turned over what we call  
12 discovery, which is a bunch of information that they say is  
13 related to the charges in the case. And it included  
14 probably 15 or so disks that have to be reviewed by each of  
15 your lawyers, and then evaluated, and then your lawyers have  
16 to talk to you about what the contents of the information  
17 actually is as to whether it applies to you or not.

18                   And all the lawyers have indicated to me that they  
19 need a significant amount of time to review all of this, and  
10:20:15 20 that they're asking that the case be continued, the trial  
21 that's been scheduled for Monday to be continued. Monday is  
22 the 20th of March.

23                   I said I'm agreeable to that as long as everybody  
24 understands what's happening, and then all the parties have  
10:20:32 25 agreed or suggested to me that we have a trial date of July

1       17th. Now, if I agree to that, that means we'll set it that  
2       day, and then absent some dramatic occurrence, we will  
3       actually go forward on July 17th.

4                     So I'm going to read the waiver and then individually  
10:20:52 5       ask counsel if that's what everybody is desirous of doing.

6                     It says, "For reasons orally set forth, this Court  
7       finds that the ends of justice which would be served by the  
8       granting of a continuance outweigh the best interests of the  
9       public and the defendant in a speedy trial," that is 18,  
10:21:09 10      United States Code, Section 3161(h)(8)(A).

11                  "Accordingly, the below signatures reflect the  
12       parties' representations that the defendant has waived  
13       rights to a speedy trial pursuant to the Speedy Trial Act of  
14       1974, hereinafter the Act.

10:21:23 15      "The defendant further represents that he or she has  
16       discussed his or her rights under the Act, and specifically  
17       waives any and all such rights.

18                  "The attorney for the defendant hereby represents that  
19       he or she has discussed the defendant's rights under the Act  
10:21:38 20       with him or her, is satisfied that the defendant understands  
21       said rights, and concurs with the decision of the defendant  
22       to waive said rights."

23                  Now, Mr. Moroney, you signed on behalf of the United  
24       States. Is that the government's position? Are you  
10:21:51 25       agreeable to this?

1 MR. MORONEY: Yes, Your Honor.

2 THE COURT: Thank you. Then I will start --

3 who wants to be the first? Mr. Paris.

4 MR. PARIS: Yes. I'll be the first, Your  
10:22:01 5 Honor.

6 THE COURT: Where is Debra?

7 MS. HUGHES: Right here.

8 THE COURT: We'll have Debra go because she  
9 has to leave, and then what I'm going to do is ask each  
10:22:09 10 lawyer to identify herself or himself, whom they represent,  
11 or who they are representing for purposes of today's  
12 hearing, and indicate whether this is what their client  
13 wishes to do. Then you'll be excused.

14 And then if any of the persons accused here have any  
10:22:25 15 objections or want to say anything, wave your hand so I can  
16 acknowledge you, and then you can say whatever you wish.

17 Debra?

18 MS. HUGHES: Your Honor, may it please the  
19 Court, Debra Hughes on behalf of Nuzaira Haque.

10:22:39 20 Your Honor, Mrs. Haque is not present today. Her  
21 child is extremely ill.

22 Your Honor, I've explained to her and discussed with  
23 her the speedy trial waiver. We agree fully with the  
24 Court's and everyone else's decision to have the trial in  
10:22:52 25 July.

1                   Thank you.

2                   THE COURT: Thank you. And you're excused,

3                   Debra --

4                   MS. HUGHES: Thank you, sir.

10:22:58 5                   THE COURT: -- on time. Have a good day.

6                   What are you raising your hand for?

7                   MR. JENKINS: I was hopeful of making a 10:30  
8 appointment, Your Honor.

9                   On behalf of Akram Haque, we agree to the waiver as  
10:23:10 10 stated by the Court.

11                  THE COURT: Who are you?

12                  MR. JENKINS: James A. Jenkins, Your Honor.

13                  THE COURT: Nobody follows directions. I said  
14 identify yourself and whom you represent. Debra did it, and  
10:23:19 15 you didn't. Simple instructions.

16                  Thank you. It's going to be a long trial.

17                  MR. JENKINS: Thank you, Judge.

18                  THE COURT: Thanks. Next volunteer. Thomas?

19                  MR. PARIS: Your Honor, I'm Thomas Paris on  
10:23:33 20 behalf of my client, Abrar Haque. We agree to a  
21 continuance.

22                  THE COURT: In other words, I granted your  
23 continuance, didn't I.

24                  MR. PARIS: Yes.

10:23:42 25                  MR. McNALLY: Your Honor, Thomas McNally. We

1 also agree to the continuance as previously stated by the  
2 other defendants.

3 THE COURT: Thank you. Gary?

4 Sorry, John.

10:23:52 5 MR. LEVINE: Gary Levine here on behalf of  
6 Mr. Abdur Rashid. He is aware.

7 And for purposes of today, Mr. Nihad Doleh, on behalf  
8 of David Levine, who is in the hospital.

9 Both of them have been explained what the significance  
10:24:12 10 is of the waiver, and they have agreed to its terms, and  
11 consent to a continuance to the 17th of July.

12 THE COURT: Thank you. Thank you. John?

13 MR. PYLE: Your Honor, John Pyle on behalf of  
14 Mohammed Shahabuddin.

10:24:26 15 We have executed a waiver, and we ask the Court to  
16 continue the trial date until July in the furtherance of  
17 justice.

18 Also on behalf of Mr. Angelo Lonardo's client, and  
19 forgive me if I mispronounce the name, Ayman Abdelhaby.

10:24:43 20 MR. KALL: "Abdelhaby."

21 MR. PYLE: Mr. Lonardo has indicated he, too,  
22 waives speedy trial on behalf of his client and agrees to  
23 the July 20th trial date.

24 THE COURT: Thank you.

10:25:00 25 MR. VEGH: Your Honor, Tony Vegh on behalf of

1 Marwan Mustafa. I've explained to my client the speedy  
2 trial rights. He agrees to waive them until July 17th.  
3 Thank you, Judge.

4 THE COURT: Thank you.

10:25:13 5 Really, everybody is waiving, and I'm setting it for  
6 July 17th trial date. I'm hoping that I will be in trial on  
7 something else, but we're not waiving just until that date.  
8 It's indefinite.

9 MR. VEGH: He's waiving, Your Honor, I was  
10:25:26 10 just referring to the trial date.

11 MR. BRADLEY: Steve Bradley, Your Honor, on  
12 behalf of Ameed Abuzahrieh. My client, too, has executed  
13 the speedy trial waiver and would consent to a continuance  
14 of the trial.

10:25:37 15 MR. O'SHEA: Your Honor, Mike O'Shea on behalf  
16 of the defendant Yamin Imran. We consent to the continuance  
17 to the 17th, and we have signed the speedy trial waiver.

18 THE COURT: Thank you. Mr. Rose?

19 MR. ROSE: Your Honor, on behalf of Mr. Assad  
10:25:53 20 and Ottallah, I've explained to them their rights under the  
21 rule. They signed the waiver form, signed it, agreed to it.  
22 We agree to the continuance at this time.

23 THE COURT: Thank you. Now, who does  
24 Mr. Drucker represent, Mr. Moroney?

10:26:04 25 MR. MORONEY: Omar Abedrabbo.

1                   THE COURT: Omar, are you here?

2                   Guess not. Where might he be, I wonder, or  
3 Mr. Drucker; and/or Mr. Drucker.

4                   MR. MORONEY: I believe that we had  
10:26:20 5 conversation with Mr. Drucker last week. I thought he was  
6 planning on being here, Judge.

7                   THE COURT: We'll contact them. You can get  
8 together, because you've been in discussions with him  
9 already.

10:26:29 10        MR. MORONEY: Yes, that is correct.

11                  THE COURT: Thank you very much.

12                  I'll see you. And if anybody wants a pretrial or a  
13 meeting or anything, if you are having trouble with  
14 discovery or any other issue in the case, then all you have  
10:26:40 15 to do is let me know, and we'll set it right up.

16                  - - - - -

17                  (Proceedings adjourned.)

18

19                  C E R T I F I C A T E

20

21                  I certify that the foregoing is a correct transcript  
22 from the record of proceedings in the above-entitled matter.

23

24                  s/Heidi Blueskye Geizer                   October 21, 2010

25                  Heidi Blueskye Geizer, RMR-CRR              Date